

Appl. No. : 09/865,125
Filed : May 24, 2001

The Examiner has further indicated that the application contains claims to the following patentably distinct species of the claimed invention:

Group I

Species A - fence configuration as shown in Figs. 1A, 1B and 1C;

Species B - fence configuration as shown in Fig. 1D;

Species C - fence configuration as shown in Fig. 1E; and

Species D - fence configuration as shown in Fig. 1F;

Group II

Species A - embodiment of the rail as shown in Fig. 2A; and

Species B - embodiment of the rail as shown in Fig. 2B;

Group III

Species A - embodiment of the rail as shown in Fig. 2C;

Species B - embodiment of the rail as shown in Fig. 2D;

Species C - embodiment of the rail as shown in Fig. 2E; and

Species D - embodiment of the rail as shown in Fig. 2F;

Group IV

Species A - embodiment of the retaining rod as shown in Fig. 3A;

Species B - embodiment of the retaining rod as shown in Fig. 3B;

Species C - embodiment of the retaining rod as shown in Fig. 3C;

Species D - embodiment of the retaining rod as shown in Fig. 3D; and

Species E - embodiment of the retaining rod as shown in Fig. 3E;

Group V

Species A - embodiment of the picket as shown in Figs. 5A, 5B;

Species B - embodiment of the picket as shown in Figs. 5C, 5D;

Species C - embodiment of the picket as shown in Figs. 5E, 5F; and

Species D - embodiment of the picket as shown in Figs. 5G, 5H.

From Group I, Applicants hereby elect Species A. At least Claims 1-9, 12, 14-20, 21-24 and 25-28 are readable on this species.

Regarding Groups II and III, Applicants respectfully assert that Figures 2A, 2B and 2C all show different views of the same rail. (Spec. page 7, lines 7-9). Therefore, the Examiner should

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not have identified each of these Figures as showing different species. Figures 2D, 2E and 2F, on the other hand, each show a different alternative embodiment of a rail for use with the present picket fence. Therefore, Applicants respectfully assert that Groups II and III should be combined, and Figures 2A, 2B and 2C should be identified as one species, and Figures 2D, 2E and 2F should be identified as separate species. Based upon this grouping, Applicants hereby elect the rail of Figures 2A, 2B and 2C. At least Claims 1-20, 21-24, 25-28, 29-30 and 42 are readable on this species. (Although some of these claims read on a picket fence and rail mounting system, Applicants have identified those claims that recite the rail of Figures 2A, 2B and 2C.)

From Group IV, Applicants hereby elect Species C. At least Claims 1-15, 18, 21-24 and 25-28 are readable on this species. (Although all of these claims read on a picket fence and rail mounting system, Applicants have identified those claims that recite the retaining rod of Figure 3C.)

From Group V, Applicants hereby elect Species B. At least Claims 1, 3-20 and 25-28 are readable on this species. (Although all of these claims read on a picket fence and rail mounting system, Applicants have identified those claims that recite the picket of Figures 5C and 5D.)

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 12/27/02

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